

REMARKS

Claims 1-6, 11, 14-40, 42, 43, 46-59, 62, 63, 65 and 67-98 are pending. Claims 1-5, 20-37, 39, 40, 42, 43, 46-56, 67 and 68 were previously withdrawn from consideration. Claims 6, 11, 16-19, 38, 59, 62, 63, 65, 70-76, 79, 81 and 89-98 are allowed. Claims 14, 15, 57, 58, 69, 77, 78, 80, and 82-88 are rejected. By virtue of this response, claims 14, 15, 57, 58, and 82-88 have been cancelled, and claims 69, 77-78, and 89 have been amended.

With respect to all amendments and cancelled claims, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional applications.

Objection under 35 U.S.C. §132

The Amendment filed October 24, 2001 has been objected to under 35 U.S.C. §132 as allegedly introducing new matter into the disclosure by virtue of the statement "all of which are incorporated by reference," in conjunction with the amendment to the cross-reference to related applications.

In response, Applicants respectfully note that original text of the specification as filed includes the statement "which are incorporated by reference in their entirety." This statement was not added after the filing date. The cross-reference to related applications in the specification as filed includes a reference to U.S. Serial No. 08/575,762, filed December 20, 1995. In the amendment filed on October 24, 2001, adding the reference to provisional application no. 60/031,306, to which U.S. Serial No. 08/575,762 was converted after filing, did not add new matter, because the applications were the same and changed status from non-provisional to provisional after filing.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §132

Rejection under 35 U.S.C. §112, first paragraph

Claims 14, 15, 57, 58, 77, 78 and 82-88 are rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement.

Applicants do not agree with the rejection and submit that these claims are supported by adequate written description. However, solely to expedite prosecution, these claims have been canceled, rendering the rejection moot.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, first paragraph.

Rejections under 35 U.S.C. §112, second paragraph

Claims 57, 58, 69, 78 and 80 are rejected under 35 U.S.C. §112, second paragraph, as allegedly indefinite because the claims do not include reference to the deposited hybridoma when reciting antibody 11D10. Claims 57 and 58 have been canceled, and claim 69 has been amended to refer to the ATCC accession number for the hybridoma which produces antibody 11D10.

Applicants respectfully note that claims 78 and 80, which have been included in this rejection, do not recite antibody 11D10.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

Claim 78 is rejected under 35 U.S.C. §112, second paragraph, as indefinite due to dependence on claims 7-10 and 12, which have been cancelled. Claim 78 has been amended to delete the dependency on claims 7-10 and 12, rendering the rejection moot.

In view of the foregoing, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, Applicants petitions for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 304142000322. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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